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9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)	Case No. Mag. 05-053 PAN
)	
12 Plaintiff,)	<u>STIPULATION REGARDING</u>
)	<u>EXCLUSION OF TIME UNDER</u>
13 v.)	<u>SPEEDY TRIAL ACT; [PROPOSED]</u>
)	<u>ORDER</u>
14 SEREY VAN,)	
)	
15 Defendant.)	
)	
16)	

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18 Plaintiff United States of America, by and through its
19 counsel of record, Assistant United States Attorneys S. Robert
20 Tice-Raskin and Courtney J. Linn, and defendant, by and through
21 her counsel of record, Robert Holley, hereby stipulate as
22 follows:

23 1. The Complaint in this case was filed on or about
24 February 22, 2005.

25 2. Defendant was arrested on February 23, 2005. Defendant
26 first appeared before Magistrate Judge Peter Nowinski, a judicial
27 officer in the court in which this charge is pending, on February
28 24, 2005.

1 3. Defendant has been advised of her rights as required by
2 Rule 5, Fed. R. Crim. P., including her right to have a
3 preliminary hearing.

4 4. By previous stipulation and order, defendant waived her
5 right to a preliminary hearing.

6 5. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq.,
7 requires that an indictment or information be filed against
8 defendant on or before 30 days of her arrest, i.e., on or before
9 March 26, 2005. By previous stipulation and order, defendant
10 moved to extend the deadline for filing of charges to April 29,
11 2005.

12 6. By this stipulation, defendant moves to extend the
13 deadline for filing of charges to May 27, 2005. Plaintiff does
14 not oppose these requests.

15 7. The parties agree and stipulate, and request that the
16 Court find the following:

17 a) The government has made a package plea offer to
18 defendant and her spouse, Thomas Van. Counsel for defendant
19 desires additional time to consult with his client, to review the
20 current charges, to conduct investigation related to the charges,
21 to review discovery, and to review and discuss the potential pre-
22 indictment disposition of the charges with the government.

23 (Thomas Van is in the process of obtaining representation and
24 will need adequate time to address to conduct these tasks as well
25 with his counsel).

26 b) Counsel for defendant believes that failure to
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1 grant the above-requested extension would deny him the reasonable
2 time necessary for effective preparation, taking into account the
3 exercise of due diligence.

4 c) The government does not object to the continuance.

5 d) Counsel for defendant has specifically discussed
6 all of the contents of this stipulation with his client and
7 represents that his client concurs with the contents of this
8 stipulation.

9 e) Based on the above-stated findings, the ends of
10 justice served by continuing the case as requested outweigh the
11 interest of the public and the defendant in a trial within the
12 original dates prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy
14 Trial Act, 18 U.S.C. § 3161, et seq., within which an information
15 or indictment must be filed, the time period from April 29, 2005
16 to May 27, 2005, inclusive, is deemed excludable pursuant to 18
17 U.S.C. § 3161(h)(8)(A) and B(iv) because it results from a
18 continuance granted by the judge at defendant's request on the
19 basis of the judge's finding that the ends of justice served by
20 taking such action outweigh the best interests of the public and

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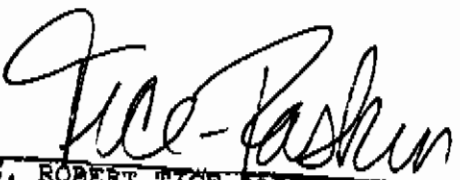
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26 //

1 the defendant in speedy formal charging.
2 IT IS SO STIPULATED.

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4 DATED: 4-22-05

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7 S. ROBERT TICE-RASKIN
8 Assistant United States Attorney

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10 DATED: 4-20-05

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12 
13 ROBERT HOLLEY
14 Counsel for Defendant

15 ORDER

16 IT IS SO FOUND AND ORDERED.

17 April 22, 2005.

18 
19 UNITED STATES MAGISTRATE JUDGE
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